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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,690	07/14/2003	Satoshi Tanaka	500.42925X00	3746

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EXAMINER

DEANE JR, WILLIAM J

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/617,690	Applicant(s) TANAKA ET AL.	
	Examiner William J. Deane	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically claim 1 cannot depend from claim 3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatehana et al. (US 6879337) in view of U.S. Patent Application No. 2004/0162036 (Park).

Regarding claims 3, 5 - 8 Tatehana shows:

An imaging camera (6);

A first casing (1) having a first operation section (14);

A second casing (2) having a display (21);

Multiple joints (41, 51, 63 etc.);

The first and second casings (1-2) can be folded into a closed position;

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A camera casing (62) having the imaging camera (see 60-61), the casing (62) is provided between the multiple joint (41-63) independently of the first and second casings (1, 2), a diameter of a rotation shaft (62c) of the camera casing (62) is set smaller than the outer diameter of the rotating sections (i.e. 41, 51) of the first and second casings (1, 2).

Park teaches that it is important to protect the camera and therefore brings an external camera within the hinge (see 0007 – 0008). It would have been obvious to one of ordinary skill in the art to have incorporated the idea of recessing the camera deeper into the camera in order to further protect the camera.

With respect to claims 6 – 7 and 9 – 10 cushioning members are notoriously old in the art and it would have been obvious to one of ordinary skill in the art to use such wherever it was deemed necessary.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatehana et al. (US 6879337) in view of Sato et al. (US 2004/0095500 A1).

Regarding claim 1, Tatehana shows:

An imaging camera (6);

A first casing (1) having a first operation section (14);

A second casing (2) having a display (21);

Multiple joints (41, 51, 63 etc.);

The first and second casings (1-2) can be folded into a closed position;

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A camera casing (62) having the imaging camera (see 60-61), the casing (62) is provided between the multiple joint (41-63) independently of the first and second casings (1, 2), a face of an imaging camera module (see 61) provided inside the camera casing (62) come into contact with a cushioning member (68).

Tatehana differs from the claimed invention in that there is one cushioning member instead of two cushioning members contacting two faces of the camera module.

However, Sato teaches providing two cushioning members (55, 56) contacting two faces of the camera module (53).

Hence, the concept of providing cushioning for a camera module is well taught by Tatehana, it would have been obvious for one of ordinary skill in the art to modify Tatehana's cushioning with two cushioning members as taught by Sato, such that it allows the camera module to be held and fixed by the cushioning members when mounting the camera module (col. 2, paragraphs 0044-0045 in Sato).

Regarding claim 2, the combination of Tatehana and Sato shows the cushioning members having a dustproof function (cushion 68 in Tatehana; cushions 55-56 in Sato).

Regarding claim 4, Tatehana shows:

An imaging camera (6);

A first casing (1) having a first operation section (14);

A second casing (2) having a display (21);

Multiple joints (41, 51, 63 etc.);

The first and second casings (1-2) can be folded into a closed position;

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A third casing (62) is provided between the multiple joint (41-63) independently of the first and second casings (1, 2), a face of a module (see 61) provided inside the third casing (62) come into contact with a cushioning member (68).

Tatehana differs from the claimed invention in that there is one cushioning member instead of two cushioning members contacting two faces of the module.

However, Sato teaches providing two cushioning members (55, 56) contacting two faces of a module (53).

Hence, the concept of providing cushioning for a module is well taught by Tatehana, it would have been obvious for one of ordinary skill in the art to modify Tatehana's cushioning with two cushioning members as taught by Sato, such that it allows the module to be held and fixed by the cushioning members when mounting the module (col. 2, paragraphs 0044-0045 in Sato).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatehana et al. (US 6879337) in view of Sato et al. (US 2004/0095500 A1) and further in view of U.S. Patent Application No. 2003/0155216 (Park et al.).

Tatehana et al. and Sato et al. have been discussed above. What each does not teach is a camera in the middle of a hinge. However, note that Park et al. teach such (see Fig. 3). With a camera in the middle it would have been obvious to one of ordinary skill in the art to use cushions on either side of the camera for better protection.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

05March2006


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER